



February 26, 2010

VIA US MAIL AND FAX

Janet Pittman
Rules Development Branch
Office of Legal Counsel, MC-65-46
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Re: Public comments on Indiana's proposed 303(d) list and report for 2010

Dear Ms. Pittman:

With 95 percent of America's fresh surface water, the Great Lakes are a national environmental and economic treasure. They provide drinking water, jobs, and recreation to tens of millions of people. An important component of ensuring the health of the Great Lakes into the future is the reduction in bacterial, algal, and chemical contamination of Great Lakes beaches. With this in mind, the Alliance for the Great Lakes urges Indiana to go further to protect Great Lakes beaches with the 2010 Impaired Waters List.

With these comments, the Alliance for the Great Lakes recommends that the Indiana Department of Environmental Management:

- Describe the effectiveness of Indiana's shoreline E Coli TMDL in the 2010 report, especially for beaches that experience high counts of beach action days during the swimming season.
- Ensure the list accurately reflects the contamination at each individual beach by eliminating possible confusion on behalf of the public regarding which beaches are safe for swimming.
- Address mercury emissions that pollute Lake Michigan in the 2010 report and list

Each of these points is described in greater detail in the attached comment letter. Thank you for the opportunity to submit these comments. Should you have any questions about our comments, please do not hesitate to contact me at 312-939-0838 x230 or lwelch@greatlakes.org.

Sincerely,

Lyman C. Welch

Manager, Water Quality Programs

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Eliminating Water Pollution from Lake Michigan Beaches

Comments to the Indiana Department of Environmental Management on Indiana's Proposed 2010 Integrated Water Quality Monitoring and Assessment Report

February 26, 2010

Alliance for the Great Lakes 17 N. State St, Suite 1390 Chicago, IL 60602 (312) 939-0838 These comments are submitted by the Alliance for the Great Lakes (Alliance), a nonprofit organization that has advocated on behalf of the Great Lakes and the people who enjoy them for decades. The Alliance's mission is to conserve and restore the world's largest freshwater resource using policy, education, and local efforts, ensuring a healthy Great Lakes and clean water for generations of people and wildlife.

BACKGROUND

The Clean Water Act requires states to asses their waters for compliance with the state's water quality standards. Under Section 303(d) of the Act, each state must make a publicly available list of waters that do not meet the standards. This "303(d) list" identifies the portion of the water body that is impaired, the pollutant(s) causing the impairment, and a schedule for the development of Total Maximum Daily Loads (TMDLs) to restore the impaired waters to health. As such, the 303(d) list is an important part of ensuring that states comply with their water quality standards and work towards the Clean Water Act's goal of fishable and swimmable waters. To improve water quality and human health, it is essential that the list accurately reflect the impairment status of the state's waters.

An important part of working towards water that is swimmable is to address bacterial contamination in recreational waters, namely, Indiana's Lake Michigan beaches. The Alliance urges the Indiana Department of Environmental Management (IDEM) to go further to recognize *Escherichia coli* (*E. coli*) bacteria contamination in the Great Lakes region.

With these comments, the Alliance encourages IDEM to:

- I. Report on the progress of its shoreline E. coli TMDL in the 2010 report
- II. Ensure the list accurately reflects the contamination at each individual beach
- III. Address mercury pollution that pollutes Lake Michigan and other state waters

ISSUES OF CONCERN IN INDIANA'S PROPOSED 2010 IMPAIRED WATERS LIST AND REPORT

I. IDEM must report on the progress of its shoreline E. Coli TMDL, especially for beaches that experience 14 or more beach action days

The Alliance commends Indiana for completing a Lake Michigan shoreline TMDL to address *E. coli* contamination. The Alliance urges Indiana include in the 2010 impaired waters report a section describing the effectiveness of this TMDL in addressing pollution at individual beaches (particularly those that experience 14 days or more of beach actions). Several Indiana beaches experienced a high number of beach action days in 2007 and 2008, as required by federal law when levels of *E. coli* exceed a daily maximum of 235 CFU/100 mL. The following table lists each beach that had 14 or more action days and how many beach action days each beach was issued in 2008.

County	ID	Local Name	EPA Beach Action Days in 2008
Lake	IN708061	Buffington Harbor Beach	53
Lake	IN415822	Hammond Marina East Beach	20
Lake	IN319633	Jeorse Park Beach I	63
Lake	IN971200	Jeorse Park Beach II	47
Lake	IN701183	Whihala Beach East	15
Lake	IN530290	Whihala Beach West	21
Porter	IN768689	Indiana Dunes State Park East Beach	22
Porter	IN700064	Indiana Dunes State Park West Beach	18

The following table lists each beach that had 14 or more action days and how many beach action days each beach was issued in 2007.

County	ID	Local Name	EPA Beach Action Days in 2008
LaPorte	IN547226	Mount Baldy	26
LaPorte	IN350941	Sheridan Beach	15
LaPorte	IN945823	Washington Park	22
Porter	IN470039	Dunbar Beach	33
Porter	IN471672	Kemil Avenue Beach	22
Porter	IN513118	Lakeview Beach	26
Porter	IN713599	Porter Beach	42

The Alliance is working with Indiana to address beach pollution. With a new grant from the Indiana Department of Natural Resources Lake Michigan Coastal Program, the Alliance will recruit a specially trained corps of beach "adopters" to collect information on select beaches identified by beach health officials. The aim is to work with these Adopt-a-Beach™ teams and officials to improve beach health while removing litter and collecting valuable data. The Alliance also continues sharing beach data collected by adopters with state and local agencies to meet our goal of identifying and eliminating shoreline pollution sources and improving overall beach conditions on the Great Lakes. The Alliance is able to provide data collected by its volunteers at Indiana beaches in 2008 and 2009 on request.

II. IDEM should ensure that the impaired waters list is accessible and comprehensible to the interested public

The Alliance also encourages IDEM to list each beach separately on the 303(d) list to ensure the list is accessible and comprehensible to the public. For example, on the 303(d) list, seven beaches fall under AUID INC0163G_G1075 LAKE MICHIGAN SHORELINE WEST OF IHC. Each of these beaches has different monitoring sites and experienced different beach advisory events. To avoid confusion on the part of the public about exactly which beaches are safe for recreation, IDEM should list each beach separately on the 303(d) list.

IDEM should also consider making the 303(d) list available in format this is easily accessible and easily comprehensible. For example, Wisconsin publishes their 303(d) list in Excel spreadsheet format, making it easy to look up a listing by local name, county, watershed, or impairment. IDEM's list format is makes it difficult to look up a beach if by the local name and not the AUID. As the public is most familiar with local names, IDEM should incorporate these into the list spreadsheet. IDEM must improve the accessibility of information on healthy or unsafe waters.

III. Indiana should address mercury pollution in the 2010 report and list

Mercury pollution in Lake Michigan, primarily from air deposition from coal-burning power plants, remains an ongoing problem for Indiana. Indiana's air pollution control board adopted a final Clean Air Mercury Rule (LSA #05-116) on October 3, 2007. This state rule was based on a federal mercury rule that was later struck down in federal court for failure to comply with the Clean Air Act. Indiana may be best able to explain how it intends to address mercury pollution in Lake Michigan and other state waters by properly following the U.S. EPA guidance for 5m alternatives. EPA's 2007 National TMDL EPA guidance creates a voluntary "5m alternative" for listing waters impaired by atmospheric mercury. The 5m alternative allows for the deferral of TMDLs if the state is already taking other actions in advance of TMDLs to address its mercury sources. In the 2007 guidance, the EPA recommends that the state include supporting documentation for listing waters under subcategory 5m with its 303(d) list. The Alliance urges Indiana to adopt such a comprehensive plan for mercury and include it as part of its 2010 report and list.

Thank you for the opportunity to submit these comments. Should you have any questions about these comments, please do not hesitate to contact me at 312-939-0838 x 230 or lwelch@greatlakes.org.

Sincerely,

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